



January 22, 2020

**VIA ECF**

Honorable Paul A. Engelmayer  
United States District Court  
Southern District of New York  
40 Foley Square, Room 2201  
New York, New York 10007

Re: *Vivian Xiang v. Eagle Enterprises, LLC, et al.*  
Civ. Case No.: 1:19-cv-01752-PAE

Dear Judge Engelmayer,

As Your Honor is aware we represent Plaintiff in the above captioned matter. On January 16, 2020, Your Honor issued an Opinion & Order granting in part and denying in part, Defendants' motion to dismiss for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6). Pursuant to Your Honor's decision, the Parties were directed to submit a proposed case management plan, consistent with the Court's Individual Rules, by January 29, 2020.

However, Defendants have not yet answered Plaintiff's First Amended Complaint. Furthermore, as soon as Defendants answer Plaintiff's First Amended Complaint, pursuant to this Court's Second Amended Standing Administrative Order, this case should be automatically referred to the Southern District of New York's Alternative Dispute Resolution program of mediation.

Therefore, Plaintiff respectfully requests that Your Honor issue a deadline for Defendants to answer the First Amended Complaint and stay discovery until after the Parties have had the opportunity to mediate this case pursuant to this Court's Second Amended Standing Administrative Order. We appreciate the Court's assistance with this matter.

Respectfully Submitted,

/s/ Daniel Altaras

Daniel J. Altaras, Esq.  
DEREK SMITH LAW GROUP PLLC  
*Attorneys for Plaintiff*  
One Penn Plaza, Suite 4905  
New York, New York 10119

The deadline to file a Case Management Plan is adjourned *sine die*. Defendants' Answer to the First Amended Complaint is due January 31, 2020. SO ORDERED.

  
Hon. Paul A. Engelmayer 1/24/2020